

### **REMARKS**

The Office action mailed 24 August 2007, has been received and its contents carefully noted. Claims 5, 9, 12, 34, 35, 37, 38, 44 and 51-54 were allowed and claim 55 was withdrawn. By this amendment, claim 55 has been canceled. No statutory new matter has been added. Therefore, reconsideration and entry of the claims as amended are respectfully requested.

#### **Withdrawn Claim 55**

The Examiner withdrew claim 55 as being directed to subject matter not elected in response to the Restriction Requirement of 9 September 2003. Specifically, the Examiner noted that claims directed to subject matter encoding the *deaD* gene (Invention I) were elected, whereas claim 55 is directed to an attenuated *deaD* gene (Invention II).

Therefore, Applicants have canceled withdrawn claim 55. Applicants reserve the right to pursue the canceled subject matter in a continuing application.

#### **Allowable Subject Matter**

The Examiner indicated that claims 5, 9, 12, 34-35, 37-38, 44 and 51-54 are allowed.

Since the remaining claims are claims 5, 9, 12, 34-35, 37-38, 44 and 51-54, Applicants respectfully request a Notice of Allowance.

#### **Request for Interview**

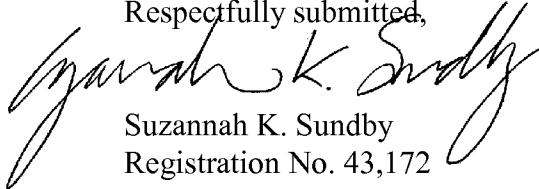
Either a telephonic or an in-person interview is respectfully requested should there be any remaining issues.

### CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300**, Attorney Docket No. **032301WD230**.

Respectfully submitted,



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